

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5443 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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D V NAIR

Versus

STATE OF GUJARAT

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Appearance:

MR DM THAKKAR for Petitioner

MR HL JANI Respondent  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/09/96

ORAL JUDGMENT

1. Heard learned counsel for the parties. The petitioner was granted a quarry lease for minor mineral marble stone under the provisions of the Gujarat Minor Mineral Rules, on 5.4.76. The lease deed was executed on 11.8.76 and it was for a period of 10 years. The lease period has come to an end on 10th August 1986 during the pendency of this Special Civil Application. Under the

order dated 22nd September 1981, of respondent No.3, quarry lease in favour of the petitioner has been cancelled. The petitioner preferred an appeal against the aforesaid order. The appellate authority, under its order dated 21st June 1983 allowed the appeal and the order of the respondent No.3 cancelling the quarry lease of the petitioner has been set aside. The respondent No.2 has taken up matter in suo-motu revision and under the order dated 8.10.84, allowed the said revision and set aside the order of the appellate authority. Hence this Special Civil Application before this Court.

2. The learned counsel for the petitioner has no instructions whether the lease in question has been renewed in favour of the petitioner for a further period or not after expiry of original lease. The learned counsel for the petitioner, as usual, though no instructions, contended that the respondent would have renewed the lease for further period and in case this Special Civil Application is dismissed, the renewed lease will stand cancelled automatically. I find no justification whatsoever in this apprehension of the learned counsel for the petitioner in absence of any material on record in support of his contention. The lease period has come to an end on 10.8.86. The petitioner has been protected by this Court under the interim relief granted and as such, despite of cancellation of lease by the original authority, and the order of the said revisional authority, the petitioner has enjoyed full period of lease. In absence of any material on record, it is difficult to accept that lease would have been further extended. As the fact stood today, the lease has come to an end on 10.8.86 and nothing now survives in this Special Civil Application. In fact, in view of the decision of Supreme Court in the case of S.A.Rasheed v. Director of Mines and Geology, reported in AIR 1995 SC 1739, this writ petition has become infructuous. In view of the fact, as lease has already come to an end, I consider it to be a futile exercise to go on the validity of the orders impugned in this Special Civil Application.

4. In the result, this Special Civil Application fails and the same is dismissed. Rule is discharged. Interim relief granted by this Court stands vacated. No order as to costs.

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(sunil)